

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 05/16/2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	
-against-	:	21-CR-603 (VEC)
	:	
WILLIAM WASHINGTON,	:	<u>ORDER</u>
	:	
Defendant.	:	
	:	
-----	X	

VALERIE CAPRONI, United States District Judge:

WHEREAS Dr. Washington, proceeding *pro se*, has withdrawn his guilty plea, and trial in this matter is scheduled to commenced on June 24, 2024;

WHEREAS on April 24, 2024, the Government moved to preclude Dr. Washington from introducing portions of his post-arrest statements, as memorialized in the FBI 302 of that interview, in which he was asserted that he was victimized by Terrence Williams, in the event that the Government seeks to admit other portions of the FBI 302, Gov. Mot., Dkt. 1402; and

WHEREAS on May 16, 2024, Dr. Washington opposed the Government's motion *in limine*, and moved for an order permitting him to introduce evidence regarding Mr. Williams' alleged victimization of Dr. Washington during and after the charged conduct, including Dr. Washington's post-arrest statements as memorialized in the FBI 302 of that interview, as well as the portion of the Court's prior Opinion ("MILs Opinion") precluding the introduction of such evidence, Def. Opp., Dkt. 1456 at 1–2.

IT IS HEREBY ORDERED that Dr. Washington's motion for an order permitting him to introduce portions of the MILs Opinion is DENIED because the MILs Opinion is irrelevant. Federal Rule of Evidence 402 provides that "[i]rrelevant evidence is not admissible." The MILs

Opinion merely discusses the parties' arguments and contains no findings of fact or other factual evidence; accordingly, it is irrelevant because it does not make any "fact more or less probable." Fed. R. Evid. 401(a).

IT IS FURTHER ORDERED that the parties must appear for an in-person oral argument on the Government's motion *in limine* on **Friday, May 24, 2024, at 10:30 A.M.** in Courtroom 443 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York, 10007.

At oral argument, the Government must be prepared to:

- (1) Specify which portions of the FBI 302 it intends to introduce at trial; and
- (2) Present the affidavit referenced in Dr. Washington's opposition. *See* Def. Opp. at 3 n.3.

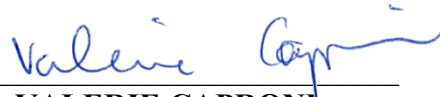
Dr. Washington must be prepared to:

- (1) Specify what evidence tends to establish that Mr. Williams threatened or extorted him during the period of the charged conduct, March 2019 through March 2020. *See* Gov. MIL at 2 (proffering that the Government believes that the Defendant was involved in the fraud between March 2019 and March 2020); and
- (2) Specify what evidence that is subject to the Government's motion *in limine* tends to establish that he acted in good faith. In this context, "good faith" exists if the evidence shows that the defendant actually believed that he was entitled to the funds obtained from the Plan *and* that he could obtain the funds legally by the means he used. *See* MILs Op. at 21.

- (3) Present a completed version of the financial affidavit appended to this Order to demonstrate that he is entitled to the appointment of standby counsel at the public's expense.

SO ORDERED.

Dated: May 16, 2024
New York, NY



VALERIE CAPRONI
United States District Judge

FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, OR OTHER SERVICES WITHOUT PAYMENT OF FEE

IN THE UNITED STATES ☐ DISTRICT COURT ☐ COURT OF APPEALS ☐ OTHER (Specify Below)

IN THE CASE OF

_____ V. _____

FOR

AT

LOCATION
NUMBER

PERSON REPRESENTED (Show your full name)

CHARGE/OFFENSE (Describe if applicable & check box→)

☐ Felony
☐ Misdemeanor

- 1 ☐ Defendant - Adult
2 ☐ Defendant - Juvenile
3 ☐ Appellant
4 ☐ Probation Violator
5 ☐ Supervised Release Violator
6 ☐ Habeas Petitioner
7 ☐ 2255 Petitioner
8 ☐ Material Witness
9 ☐ Other (Specify) _____

DOCKET NUMBERS
Magistrate Judge
District Court
Court of Appeals

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

INCOME & ASSETS	EMPLOYMENT	Do you have a job? <input type="checkbox"/> Yes <input type="checkbox"/> No IF YES, how much do you earn per month? _____ Will you still have a job after this arrest? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown																				
	PROPERTY	Do you own any of the following, and if so, what is it worth? <table><thead><tr><th></th><th>APPROXIMATE VALUE</th><th>DESCRIPTION & AMOUNT OWED</th></tr></thead><tbody><tr><td>Home</td><td>\$ _____</td><td>_____</td></tr><tr><td>Car/Truck/Vehicle</td><td>\$ _____</td><td>_____</td></tr><tr><td>Boat</td><td>\$ _____</td><td>_____</td></tr><tr><td>Stocks/bonds</td><td>\$ _____</td><td>_____</td></tr><tr><td>Other property</td><td>\$ _____</td><td>_____</td></tr></tbody></table>				APPROXIMATE VALUE	DESCRIPTION & AMOUNT OWED	Home	\$ _____	_____	Car/Truck/Vehicle	\$ _____	_____	Boat	\$ _____	_____	Stocks/bonds	\$ _____	_____	Other property	\$ _____	_____
		APPROXIMATE VALUE	DESCRIPTION & AMOUNT OWED																			
Home	\$ _____	_____																				
Car/Truck/Vehicle	\$ _____	_____																				
Boat	\$ _____	_____																				
Stocks/bonds	\$ _____	_____																				
Other property	\$ _____	_____																				
CASH & BANK ACCOUNTS	Do you have any cash, or money in savings or checking accounts? <input type="checkbox"/> Yes <input type="checkbox"/> No IF YES, give the total approximate amount after monthly expenses \$ _____																					

OBLIGATIONS, EXPENSES, & DEBTS	How many people do you financially support? _____		
	BILLS & DEBTS	MONTHLY EXPENSE	TOTAL DEBT
	Housing	\$ _____	\$ _____
	Groceries	\$ _____	\$ _____
	Medical expenses	\$ _____	\$ _____
	Utilities	\$ _____	\$ _____
	Credit Cards	\$ _____	\$ _____
	Car/Truck/Vehicle	\$ _____	\$ _____
	Childcare	\$ _____	\$ _____
	Child Support	\$ _____	\$ _____
	Insurance	\$ _____	\$ _____
	Loans	\$ _____	\$ _____
	Fines	\$ _____	\$ _____
Other	\$ _____	\$ _____	

I certify under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF DEFENDANT (OR PERSON SEEKING REPRESENTATION)

Date

☐ APPROVED

☐ DENIED

FD/CJA/RET. ATTORNEY (PRINT)

ASSISTANT UNITED STATES ATTORNEY (PRINT)

SIGNATURE OF JUDICIAL OFFICER

DATE